

pushing a lawn mower



might be within reasonable limitations, a very agreeable exercise if you choose the right mower. We carry the

ROYAL BALL BEARING PENNSYLVANIA and the CALIFORNIA CLIPPER

We have them from \$4.50 to \$20 and have grass catchers to adjust to any machine.

E. O. HALL & SON, Ltd.,

NEW BUILDING, CORNER FORT AND KING STREETS.

SLIGHT ACCIDENT DELAYING PEKING

(Continued from page 1.)

present. At any rate, although the Peking may occupy eight days in making San Francisco, the repairs made here will enable her to travel without any inconvenience other than a temporary delay.

There are three lay-over passengers for Honolulu. These are Lei Sai Hin and Mrs. and Miss Holdsworth. The ladies are known in these islands, having been visitors here before. The sister of Mrs. Holdsworth is the wife of the French Consul at Shanghai.

Mr. and Mrs. F. Ader and their son, prominent Dutch people of Java, are among the passengers going to the Coast. General James Allen, U. S. A., is returning to the States from duty in the Orient.

T. Aizawa and T. Yoshida are young Japanese men on their way to Harvard for an American education.

Brigadier General A. E. Bates, paymaster general of the United States Army, together with his two daughters, is returning home. Hermann Caesar is a prominent New York business man returning from a trip to Oriental ports.

Colonel C. Kitchener is a brother of Lord Kitchener, of Khartoum fame. Kitchener passed through here not very long ago in the steamship Gaelic. He has been visiting his sons on the Asiatic station.

Major R. P. Lee, accompanied by his wife, is on his way home to England after three years' service with the engineers at Waiheke. The Major says he will marry while in the United States before going on to England. He will not witness the coronation.

Things are very quiet in the Orient according to Major Lee. He does not think there will be any more trouble. All nations are having a finger in the Chinese "pie," he says, and the "door" is opening wider and wider every day. "Asia for the Saxon," says Major Lee.

The complete list of passenger aboard the Peking is as follows: F. Ader, Mrs. F. Ader, Master W. Ader, Gen. James Allen, U. S. A.; Ad. Andrae, T. Aizawa, S. Antoldi, Dr. Bailey, Gen. A. E. Bates and wife, Miss Bates, Miss E. M. Bates, E. Berquet, H. B. Bigelow, Mrs. G. Brown, Hermann Caesar, J. Carroll, Mrs. J. Carroll and child, A. Chennells, P. B. Cohen, J. W. Dadmun, Carl Eley, S. Godard, Miss Godard, E. B. Odden, F. E. Hammond, H. E. Ales Haukey, J. Hern, Lei Sai Hin, Mrs. Holdsworth, Miss Holdsworth, W. C. Korthals, Col. C. Kitchener, Major R. P. Lee, Mrs. R. P. Lee, M. Levy, Major Martin Maginnis, Douglas McDougall, E. C. Mitchell, E. P. Oldfield, Mrs. H. I. Pearce, Miss Ralph, P. Sarda, J. Hoyt Smith, E. Viegelmann, H. C. Walrond, T. Yoshida.

Nine hundred tons of general Oriental freight were brought in the Peking for Honolulu, besides over four hundred Japanese laborers and half a dozen Chinese. The Asiatics were taken to Quarantine Island this morning. The freight will be fumigated, as is usual with Oriental freight.

The Peking sailed from Yokohama on the 17th instant. Fairly good weather was enjoyed throughout the trip.

NEWS NOTES FROM FAR PHILIPPINES

A letter from an old Honolulu resident now in Manila, P. I., contains the following:

"Cholera still continues in Manila. However, it is confined almost entirely to Filipinos and Chinese with once in a while a white man."

"Volcano Marshall has been in the toils. I am sorry to say that the liberty of speech and freedom of the press are two things not tolerated in certain circles here."

"C. O. Ziegenfuss has had his face badly battered for daring to mention robbery in connection with a city contract but some of the guilty parties have confessed and Ziegenfuss has been triumphant so far and may have a good damage suit before the case is over."

"Dr. Lindley and Chas. McGuire, both of the islands, are in Manila. I see them every day."

DECIDED ONCE AGAIN

COLLISION CASE DECREE WITHSTANDS ALL ATTACKS

The Supreme Court Defines the Power of Transition Period Judges and Nature of Circuit Courts.

Another judicial deliverance has been made on the collision case between the owners of the barkentine William Carson and Wilder's Steamship Company, the cause of which happened within a few weeks of three years ago. The libellee's steamer Claudine sunk the libellant's sailing vessel. Upon the facts Circuit Judge Silliman found for the libellants, but resigned his judgeship afterward and left the decree for Judge Davis to sign. The libellee appealed to the Supreme Court, which sustained the decree. Wilder's Steamship Company had recourse to the Federal courts without any other result than having its appeal denied right through to the Supreme Court of the United States. In the latest opinion of the Territorial Supreme Court, written by Chief Justice Frear, the following declarations of law are made:

One Circuit Judge may sign a decree in conformity with an opinion filed by another judge of the same circuit who has gone out of office.

A void decree is appealable. If the Supreme Court entertains without objection an appeal from a decree signed without objection by one Circuit Judge upon the decision of another, its decree cannot afterward be set aside on motion as void, assuming that the decree appealed from was improperly signed by a different judge from the one who heard the case.

A statute is not repealed though expressed to be repealed by a later statute, if the latter is void.

There cannot be a de facto officer unless there is a de jure officer.

If there is a de jure officer, there may be a de facto officer, however invalid his appointments.

There may be a de facto officer even though the office is already filled by a de jure officer, if the latter is not in possession of the office.

There are not two offices in the case of each Circuit Judge—that of Circuit Court and that of Circuit Judge in Chambers. There is but one office, that of Circuit Judge, though certain of his powers are exercised in Circuit Court and others in chambers.

Regarding the appointing power of the President of the Republic of Hawaii between annexation and the inauguration of the Territory of Hawaii, the Court says:

"The contention is that the joint resolution transferred all power of appointment to the President of the United States and so repealed the Hawaiian constitution and laws in so far as they gave to anyone the power to create or fill a judicial office, and that, even conceding that there were vacancies in the present case, and that Act 67 of 1898 was constitutional, there could be no color in the appointment of anyone to a judicial office unless the appointment came from the President of the United States. It would seem from the authorities that color of appointment or of authority to appoint is not necessary to constitute one a de facto officer, although it may in certain cases add much to other evidence tending to show one to be a de facto officer. But aside from that, it is clear that the joint resolution continued in force the judicial powers of Circuit Judges and also the President's civil power of appointment, subject to the superior power of the President of the United States in that respect, or at least that the latter's direction that the civil powers exercised by the officers of the Republic of Hawaii as it existed just prior to the transfer of sovereignty, continued in the President of Hawaii such powers of appointment as he had previously, subject of course to the superior power of the President of the United States. Such direction by the President of the United States was clearly within the power conferred upon him by the joint resolution. It does not fall within the doctrine that delegated power cannot be delegated. But after all, what difference does it make that the President of Hawaii lacked the power to make the appointments in question after annexation? In either case he was without the power, and the validity of the acts of the appointees are unassailable now and here, not because the appointments were valid, but because, assuming that the President did not have even color of authority to appoint them, they were nevertheless de facto officers in possession of de jure offices, and performing the functions of those offices and, we may add, with the acquiescence of all concerned in their supposed right to hold those offices and perform those functions."

Justice Galbraith concurs in the conclusion announced by the majority, but does not feel called upon to pass upon the questions raised, as he says that the libellee had no right to urge the motion five terms after the decree had been filed. He suggests that the questions raised are more academic than practical, and concludes: "The facts in this case have been passed upon by four different courts and practically the same conclusion was reached by each. Public policy and the interests of justice demand that there should be an end to litigation."

Smith & Lewis were attorneys for the libellants and Kibbey, Ballou & McClanahan for libellee.

Cittman—Yes, I'll be glad to run out and see you some time. What's your number?

Sublimus—Why—er—the houses in Swampstun are not numbered yet.

Cittman—Well, how shall I find you?

Sublimus—Turn to the left from the station, and walk down the road until you come to the second mud puddle. My house is directly opposite—Spring field Republican.

"Yes, he came of the very best New England stock, and the girl he married belonged to one of the oldest and most prominent southern families."

"They have a son, haven't they?"

"Yes, he's the most incessant cigarette smoker in his set."—Cleveland Plain Dealer.

This gown will be built with an idea to conform as well as artistic elegance. The skirt will be short, just clearing the floor; the waist will be a blouse, and the sleeves will be loose. All this is to allow free play of the muscles and easy, graceful movement.

SHIPPING INTELLIGENCE

TIDES.		DAY.		MAY.		JUN.		JULY.		AUG.		SEPT.		OCT.		NOV.		DEC.	
High Tide.	Low Tide.	High Tide.	Low Tide.	High Tide.	Low Tide.	High Tide.	Low Tide.	High Tide.	Low Tide.	High Tide.	Low Tide.	High Tide.	Low Tide.	High Tide.	Low Tide.	High Tide.	Low Tide.	High Tide.	Low Tide.
Monday	10:15	4:15	10:15	4:15	10:15	4:15	10:15	4:15	10:15	4:15	10:15	4:15	10:15	4:15	10:15	4:15	10:15	4:15	10:15
Tuesday	10:15	4:15	10:15	4:15	10:15	4:15	10:15	4:15	10:15	4:15	10:15	4:15	10:15	4:15	10:15	4:15	10:15	4:15	10:15
Wednesday	10:15	4:15	10:15	4:15	10:15	4:15	10:15	4:15	10:15	4:15	10:15	4:15	10:15	4:15	10:15	4:15	10:15	4:15	10:15
Thursday	10:15	4:15	10:15	4:15	10:15	4:15	10:15	4:15	10:15	4:15	10:15	4:15	10:15	4:15	10:15	4:15	10:15	4:15	10:15
Friday	10:15	4:15	10:15	4:15	10:15	4:15	10:15	4:15	10:15	4:15	10:15	4:15	10:15	4:15	10:15	4:15	10:15	4:15	10:15
Saturday	10:15	4:15	10:15	4:15	10:15	4:15	10:15	4:15	10:15	4:15	10:15	4:15	10:15	4:15	10:15	4:15	10:15	4:15	10:15
Sunday	10:15	4:15	10:15	4:15	10:15	4:15	10:15	4:15	10:15	4:15	10:15	4:15	10:15	4:15	10:15	4:15	10:15	4:15	10:15
Monday	10:15	4:15	10:15	4:15	10:15	4:15	10:15	4:15	10:15	4:15	10:15	4:15	10:15	4:15	10:15	4:15	10:15	4:15	10:15

Last quarter of the moon 1:30 Friday morning.

Tides from the United States Coast and Geodetic Survey Tables. The tides at Kahului and Hilo occur about an hour earlier than at Honolulu. Hawaiian Standard Time is 10h 30m slower than Greenwich with time, being that of the meridian of 157.30. The time whistle blows at 1:30 p. m., which is the same as Greenwich, 9a 0m.

Weather Bureau, Honolulu, May 30—Temperature—Morning minimum, 71; Midday maximum, 80. Barometer at 9 a. m. 30.09. Steady. Rainfall 0.04. Dew Point 64F. Humidity at 9 a. m. 67 per cent. Haze around the sun.

ARRIVED.

Friday, May 30. P. M. S. S. Peking, Robison, from the Orient; docked at P. M. wharf at 8:15 a. m.; sails for San Francisco at 7 a. m. tomorrow; brought 900 tons general freight for Honolulu and 409 Japanese and 6 Chinese.

Stmr. Kauai, Bruhn, from Kailua and Punaluu, at 9:55 a. m., with 6239 bags sugar.

Stmr. Nihau, Thompson, from Anahulu, at 2 a. m., with 7000 bags sugar.

DEPARTED.

SAILING TODAY. P. M. S. S. Peking, Robison, for San Francisco, from Pacific Mail wharf, at 7 a. m.

THE DEED WORTHLESS

EMMA METCALF CONVEYED SAME PROPERTY TWICE

Judge Humphreys Enjoins Frank From Proceeding With Suit

--- Hall Trial Closing.

Judge Humphreys has signed the decree in the injunction suit of John Kidwell vs. Frank Godfrey. It is found that the land at Manoa, known as Walele and containing 36.10 acres, for which Godfrey had brought an action to quiet title for an undivided one-half interest, was bought by John Kidwell from the late Frank Metcalf, who had a life interest in it, and whose son Thomas under minority conveyed his interest with a clear title to Kidwell, confirming the act after attaining his majority. Emma Metcalf, daughter of Frank, had also conveyed her interest in the land of Kidwell. Yet her trustee, Alice Metcalf, afterward gave a quiet title to Godfrey of the same property. It is found also that Alice Metcalf and Godfrey had received notice of Emma's conveyance to Kidwell before Alice made the conveyance to Godfrey.

Finally, it is declared that no beneficial interest in the land passed to Godfrey by the last mentioned conveyance, that he is not entitled to maintain his action at law against Kidwell and that Kidwell is entitled to his relief prayed for. Therefore the court adjudges and decrees as follows:

1. That the said Frank Godfrey be and he is hereby declared to be the trustee of and for the said John Kidwell in respect to one undivided one-half of said land situated at Manoa, Honolulu, Island of Oahu, containing an area of 36.10 acres and known as Walele.

2. That the said Frank Godfrey do forthwith execute and deliver to the said John Kidwell a deed conveying to said John Kidwell any and all the interest acquired by him in said land under and by virtue of the deed executed and delivered to him by Alice Metcalf, trustee, bearing date the 9th day of January, 1902.

3. That a perpetual injunction be issued out of and under the seal of this court commanding and strictly enjoining the said Frank Godfrey, his attorneys, agents and all persons claiming any interest in said land by, through or under him, under penalty of being adjudged in contempt of this court for any disobedience thereof, to absolutely refrain and desist from proceeding in said action to quiet title filed by said Frank Godfrey against said John Kidwell in the Circuit Court of the First Circuit on the 13th day of January, 1902.

4. That the complainant have his costs to be taxed by the clerk.

The defense closed its case in the Hall trial with the evidence of the defendant at 11:25 this forenoon. He positively denied guilt and swore that the testimony of Eliza Holt, the complaining witness, was false. Argument to the jury begins at 1:30 this afternoon.

"Yes, he came of the very best New England stock, and the girl he married belonged to one of the oldest and most prominent southern families."

"They have a son, haven't they?"

"Yes, he's the most incessant cigarette smoker in his set."—Cleveland Plain Dealer.

This gown will be built with an idea to conform as well as artistic elegance. The skirt will be short, just clearing the floor; the waist will be a blouse, and the sleeves will be loose. All this is to allow free play of the muscles and easy, graceful movement.

Every girl who is getting ready her summer clothes is having a ping pong suit made.

For ping pong is to be the fashionable pastime at the shore this coming season. Society in its craze over the game can't give it up even with the approach of warm weather. The ping pong will hold its own indoors while the tennis courts outside are deserted and desolate.

The game will have first place among the sports and diversions, and the girls who play it will wish to look their prettiest. So every one of them will have a special gown.

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GOING AWAY THIS SUMMER?

if so, you need a NEW SUIT CASE or BAG

We have them here in great variety. Of every good kind of leather, with fancy trimmings within and without, full leather lined and canvas lined, high priced and low priced; but none of them of low quality. We mark them and deliver them free.

We sell tourists' requisites cheaper than regular dealers do, because with us that line is merely an incident of our business. With them it is a specialty.

Judge Prices by these Two:—

No. 17

SUIT CASE made of finest selected case leather, steel frame, Holland linen lined, hand sewed French edges, corners riveted and stitched, patented spring locks, brass trimmings, bag handle with brass loops riveted, four straps and shirt pocket in body, 22 inches long, in russet and chocolate colors. \$6.95

No. 75.

OXFORD BAG, extra large, heavy stock, long grain, hand sewed English steel frame with polished brass lock and catches, Vienna handle, elegantly leather lined with pockets, stay hinge.

Inches long 14 15 16 17 18
Price \$6.55 \$7.05 \$7.40 \$7.90 \$8.25

WHITNEY & MARSH, LTD

WANTS

For Want Column See Page Six

HELP WANTED.

WANTED—Young lady waitress for counter lunch room. Dime Lunch, Fort St. 2160-21

TO LET.

FORRENT—Completely furnished cottage, 5 rooms, bath, large yard; \$25. A bargain. 33 School Ewa of Nuanu. Must go at once. 2161-67

FOR SALE.

FOR SALE—Pony and carriage. For further particulars or view, enquire of J. C. Quinn, Territory Stables. 2160-1w

PASSING FANCIES.

It takes the editor to make a long story short.

Charity sometimes begins at home, but frequently nowhere.

When one borrows trouble the interest is usually pretty heavy.

It is easy to see through the man who is fond of making a spectacle of himself.

The pickpocket keeps in close touch with the public.

The man who goes all the gaits will become unbalanced after awhile.

The need of an excuse is the step-mother of an invention.

Artists and poets frequently get their high ideals by living up close to the roof.

While the underdog frequently has the sympathy of the crowd, the one on top gets the gate receipts.

Few persons are as easily fooled by others as they are by themselves.

The man who is long on wheat may be short on dough.

The man who is ashamed of his religion hasn't much to be ashamed of.

The man who is in the middle of a bad fix is said to be on the ragged edge.

People like polity, but not being jolted.

ASK YOURSELF.

Why you always put on your left shoe before the right?

Why more people walk on one side of Fort street than the other?

Why a dog always turns around several times before lying down?

Why you turn your head when some one whistles behind you?

Why you laugh when you see a man run for a car and miss it?

Why green trees look well against a blue sky, yet why a green tie is so ugly on a blue shirt?

Why you are naturally more deft with your right hand than with your left?

What word in the English language you use most frequently?

Why no one but yourself can put your hat on your head the way you wear it?

Why you cannot wink with both eyes at the same time?

Which sleeve of your bodice you put your arm into first, and why?

Why you invariably speak loud when addressing a foreigner who does not understand English well?

THE PING PONG COSTUME.

Every girl who is getting ready her summer clothes is having a ping pong suit made.

THE LAST BOOK

BY

FRANK R. STOCKTON

KATE BONNET

AT THE

Golden Rule Bazaar

156 Hotel Street

UNVARNISHED

FACTS ABOUT

GOOD FLOOR VARNISH

Our advice is often asked on the varnish; and regarding floor varnish will say use

SUPREMI S

We are in a position to know by the remarks of users of different varnishes and we have no hesitancy in recommending Supremis. It rivals the best wax finish in beauty, surpasses it in durability, and is a permanent floor preserver. Does not show white scratches. We sell it, certainly.

LEWERS & COOKE, Limited, FORT STREET.

CORNS!

If you have them, your feet have simply acquired bad habits. It is not necessary to be tortured by corns, ingrowing nails, bunions, chilblains, etc. They may be cured—that is, your feet may be broken of their bad habits. You will be surprised, not only but with how much more vigor and force you will be able to think and act in all your business or social interests.

Call and see me about this, or send me word and I will call on you.

Dr. W. R. Bogle, CHIROPODIST.

Oregon Block, Union Street above Hotel.

Consultation at office free.

Dr. Archibald N. Sinclair.

Offices—Rooms 208-209 Boston building, Fort Street.